IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 1407 of 2005

Between:

Balam Das, S/o. Raghunath Prasad,
CISF Unit BHEL, Hyderabad.

..... PETITIONER

AND

1 The Commandant, CISF unit, BHEL, Hyderabad.
2 The Commandant, CISF Unit, Security Paper Mill, Hosangabad, Madhya Pradesh.
3 The Deputy Inspector Geneal West Zone,

CISF, CISF Complex, Chembur, Mumbai.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more in the nature of writ of mandamus directing the respondents to not to cause any recovery from the pay of the petitioner towards the penal rent of the quarter in which the family of the petitioner has been staying in hosangabad Security paper mill without any notice and without considering the plea of the petitioner to allow him to retain the quarter till the end of the academic year 2005 declaring the action of the respondents in doing so as illegal and consequently set side the order of the first respondent bearing No.C-11020/CISF/61/QM/Accom/2004/4020, dt. 26th Nov 2004 declaring the same as illegal and pass such other order or orders.

Counsel for the Petitioner:MR.K.ANANTHA RAO

Counsel for the Respondents : MR.A.SANJEETHA KUMAR,

(ADDL. S.C. FOR CENTRAL GOVERNMENT)

This Court at the admission stage made the following:

ORDER:

The writ petition is filed seeking Mandamus directing the respondents not to cause any recovery from the pay of the petitioner towards the penal rent of the quarter in Hosangabad Security Paper Mill, in which the family of the petitioner has been staying, without any notice and without considering the plea of the petitioner to allow him to retain the quarter till the end of the academic year 2005.

The impugned proceedings dated 26-11-2004 was issued directing the petitioner to vacate the family accommodation at his previous unit, failing which, the penal rent of Rs.1,335/- will be recovered from his salary from the month of November, 2004 for un-authorised occupation, till the date of vacation of family accommodation. Challenging the same, the present writ petition has been filed.

The learned counsel appearing for the petitioner contended that as the children of the writ petitioner have to appear their respective academic examinations, he may be permitted to continue in the quarter till May, 2005. Therefore, he prays to issue necessary direction. He also stated that the petitioner made a representation to the Deputy Inspector General West Zone, Central Industrial Security Force, on 02-12-2004, not to impose any penal rent.

The employees have no right to remain in the quarter when once they were transferred from one place to another place. The impugned proceedings have been issued directing the petitioner to vacate the quarter, failing which, the penal rent will be imposed. Such an order is not passed in violation of any of the provisions relating to the service conditions of the petitioner. Therefore, the order does not suffer from any illegal infirmities so as to call for interference by this Court. Since the first

respondent unit has to take appropriate decision in pursuance of the representation dated 02-12-2004 made by the petitioner, to permit him to retain the family accommodation till May, 2005, a direction is given to the first respondent to take appropriate decision within a period of two weeks from the date of receipt of a copy of this order. It is also made clear that the third respondent should consider the case of the petitioner in exempting the penal rent.

The writ petition is disposed of with the above directions. No costs.

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K.C.BHANU, J

Date : 15-02-2005

Note : Issue C.C. in two days.

(B/o)

Prv

To

1 The Commandant, CISF unit, BHEL, Hyderabad.
2 The Commandant, CISF Unit, Security Paper Mill, Hosangabad, Madhya Pradesh.
3 The Deputy Inspector Geneal West Zone, CISF, CISF Complex, Chembur, Mumbai.

4 Two CD Copies.